



SunLine Transit Agency  
May 26, 2021  
11:15 a.m. – 11:50 a.m.

## AGENDA

### BOARD OPERATIONS COMMITTEE Regular Meeting

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### VIA VIDEOCONFERENCE

Pursuant to California Governor Newsom's Executive Orders N-25-20 issued on March 4, 2020 and N-29-20 issued on March 18, 2020, the Board Operations Committee meeting will be conducted remotely through Zoom. Please follow the instructions below to join the meeting remotely.

#### INSTRUCTIONS FOR ELECTRONIC PARTICIPATION

##### Join Zoom Meeting - from PC, Laptop or Phone

<https://us02web.zoom.us/j/83616630145>

Meeting ID: 836 1663 0145

Teleconference Dial In  
888-475-4499 (Toll Free)  
Meeting ID: 836 1663 0145

One tap mobile  
+16699009128,,83616630145#

Phone controls for participants:

The following commands can be used on your phone's dial pad while in Zoom meeting:

- \*6 - Toggle mute/unmute
- \*9 - Raise hand

For members of the public wishing to submit comment in connection with the Board Operations Committee Meeting: all public comment requests need to be submitted via email to the Clerk of the Board at [clerkoftheboard@sunline.org](mailto:clerkoftheboard@sunline.org) prior to May 25, 2021 at 5:00 p.m. with your name, telephone number and subject of your public comment (agenda item or non-agenda item). Members of the public may make public comments through their telephone or Zoom connection when recognized by the Chair. If you send written comments, your comments will be made part of the official record of the proceedings and read into the record.

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**ITEM**

**RECOMMENDATION**

In compliance with the Brown Act and Government Code Section 54957.5, agenda materials distributed 72 hours prior to the meeting, which are public records relating to open session agenda items, will be available for inspection by members of the public prior to the meeting at SunLine Transit Agency's Administration Building, 32505 Harry Oliver Trail, Thousand Palms, CA 92276 and on the Agency's website, www.sunline.org.

In compliance with the Americans with Disabilities Act, Government Code Section 54954.2, and the Federal Transit Administration Title VI, please contact the Clerk of the Board at (760) 343-3456 if special assistance is needed to participate in a Board meeting, including accessibility and translation services. Notification of at least 48 hours prior to the meeting time will assist staff in assuring reasonable arrangements can be made to provide assistance at the meeting.

**ITEM**

**RECOMMENDATION**

**1. CALL TO ORDER**

**2. FLAG SALUTE**

**3. ROLL CALL**

**4. PRESENTATIONS**

**5. FINALIZATION OF AGENDA**

**6. PUBLIC COMMENTS**

**RECEIVE COMMENTS**

**NON AGENDA ITEMS**

Members of the public may address the Committee regarding any item within the subject matter jurisdiction of the Committee; however, no action may be taken on off-agenda items unless authorized. Comments shall be limited to matters not listed on the agenda. Members of the public may comment on any matter listed on the agenda at the time that the Board considers that matter. Comments may be limited to 3 minutes in length.

**7. COMMITTEE MEMBER COMMENTS**

**RECEIVE COMMENTS**

**8. REVIEW DECLARATION OF EMERGENCY BY THE BOARD OF DIRECTORS**

**APPROVE  
(PAGE 3-9)**

(Staff: Eric Vail, General Counsel and Lauren Skiver, CEO/General Manager)

**9. DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION GOAL**

**INFORMATION  
(PAGE 10-14)**

(Staff: Tina Hamel, DBELO/EEO/Compliance/Eligibility Officer)

**10. ADJOURN**

**SunLine Transit Agency  
SunLine Services Group**

**DATE:** May 26, 2021 **ACTION**

**TO:** Board Operations Committee  
Board of Directors

**FROM:** Eric Vail, General Counsel  
Lauren Skiver, CEO/General Manager

**RE:** Review Declaration of Emergency by the Board of Directors

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**Recommendation**

Recommend that the Board of Directors review the declaration of emergency set forth in Board approved Resolution No. 0775.

**Background**

At the March 25, 2020 Board of Directors meeting, in response to the COVID-19 health emergency that federal, state and local governments are all currently addressing, SunLine Transit Agency and SunLine Services Group proclaimed an emergency situation as outlined in Resolution No. 0775 (attached). At subsequent meetings over the last year, the SunLine Board of Directors voted to continue the emergency declaration.

At the April 22, 2021 Board meeting, the Board of Directors voted to bring this item back at the May meeting and discuss the changes expected at the state level on June 15, 2021.

The State of California expects to remove the tiered system and reopen the economy on June 15, 2021 in addition to coinciding with the Center for Disease Control and Prevention's (CDC) guidance on face coverings. It is important to note that CDC's change to guidance on masks does not change mask requirements on transportation modes, regardless of vaccination status. The guidance notes that CDC prevention measures continue to apply to all travelers, including those who are vaccinated. All travelers are required to wear a mask on all planes, buses, trains, and other forms of public transportation traveling into, within, or out of the United States and in U.S. transportation hubs such as airports and stations.

In addition, SunLine Transit Agency is still governed by the regulations set forth under Cal/OSHA's COVID-19 Prevention Emergency Temporary Standards. The standards were originally adopted November 30, 2020, revised regulations were tabled by the

Occupational Safety & Health Standards Board last week and will be discussed again on June 3, 2021.

Since the Declaration of Emergency was first adopted by the SunLine Board of Directors, two policies have been sunsetted:

1. Accrual limit of 500 hours for employees
  - Sunsetted on October 10, 2020 – SunLine reinstated the 500 hour accrual limit for vacation time
2. Free fares and rear door boarding
  - Sunsetted on May 2, 2021 – SunLine returned to front door boarding and resumed fare collection

There are a number of policies that were implemented that are still in place which management staff and General Counsel will have to assess in relation to ongoing obligations with the Federal Transit Administration (FTA), CDC, and Cal/OSHA:

1. Operating on a Sunday schedule
2. Closing the agency's reception area to visitors
3. Requiring riders and employees to wear a face covering when on the bus and inside SunLine facilities
4. Creating rotating work schedules for categories of employees to alternate between in office assignment and telework remotely

Employees were categorized as mandatory and essential. Essential personnel were split into A and B schedules and rotate every two days between in office assignment and telework remotely to respond to social distancing orders.

All mandatory employees have continued to work their regular schedule. Mandatory employees include:

- Bus Operators
- Maintenance and Facility staff
- Safety personnel
- Customer service/paratransit call center
- Human resource staff
- Operation supervisors and dispatchers
- Chiefs and Deputies
- Division managers

All essential employees are working an A and B schedule. Essential employees include:

- Finance staff
- Performance office staff
- Planning department staff
- Marketing staff

5. Making changes to a number of leave and vacation and benefit policies

- A. Employees do not need a doctor's note before or during an illness, however employees will be required to call in daily to update their manager/supervisor of their status. Employees may need a medical release to return to work depending on their circumstances.
  - The employee may use sick or other accrued leave available during the duration of the absence. Any absence in excess of the employees available sick or other accrued time off will be unpaid.
- B. Employees will be allowed to use their ETO/VTO accrual after exhaustion of sick accrual.
  - To minimize employee impacts, all employees will be able to use accrued ETO/VTO, if needed, once accrued sick time has been exhausted.
- C. Employees will be qualified to take accrued leave before the end of their probationary period.
  - SunLine Transit Agency will waive the current restrictions for sick and leave accrual use for probationary employees.
- D. The Agency will provide sufficient unpaid leave of absence benefits.
  - SunLine Transit Agency will waive penalties for unpaid leave use. All current policies and procedures regarding employee benefit contributions will remain in effect.
- E. Employees may utilize their accrued leave for school/childcare closures and any family caregiving.
  - The employee may use sick or other accrued leave available during the duration of the absence. Any absence in excess of the employees available sick or other accrued time off will be unpaid.

**Financial Impact**

There is no financial impact to keep the resolution in place.

Attachment:

- [Item 8a](#) – Resolution No. 0775

## **SUNLINE TRANSIT AGENCY**

### **RESOLUTION NO. 0775**

#### **A JOINT RESOLUTION OF THE SUNLINE TRANSIT AGENCY BOARD OF DIRECTORS AND SUNLINE SERVICES GROUP BOARD OF DIRECTORS PROCLAIMING THE EXISTENCE OF AN EMERGENCY SITUATION AND LOCAL EMERGENCY DUE TO THE WORLDWIDE SPREAD OF COVID-19**

WHEREAS, California Government Code (“CGC”) Section 54956.5 authorizes the SunLine Transit Agency Board of Directors and SunLine Services Group Board of Directors (collectively referenced to hereinafter as “SunLine”) to hold emergency meetings on shortened notice to address emergency situations as determined by a majority of the Board of Directors; and,

WHEREAS, California Government Code Section 54954.2 authorizes the Board of Directors to take actions not listed on the agenda, where deemed necessary by a majority of the Board of Directors to address emergency situations; and,

WHEREAS, from January 2020 through March 2020, COVID-19 spread throughout the world, with over 156,000 confirmed cases of individuals contracting COVID-19, and approximately 6,000 confirmed cases of individuals dying from COVID-19; and,

WHEREAS, on March 4, 2020, Governor Newsom of the State of California declared a State of Emergency in response to the COVID-19 (Corona Virus Disease 19); and,

WHEREAS, on March 10, 2020, the Board of Supervisors of the County of Riverside proclaimed the existence of a local emergency for all of Riverside County in response to the outbreak of the COVID-19 in California and in Riverside County; and,

WHEREAS, on March 11, 2020 the World Health Organization (WHO) publicly characterized COVID-19 as a pandemic; and,

WHEREAS, on March 11, 2020 the President of the United States imposed certain travel bans and limitations in response to COVID-19; and

WHEREAS, on March 12, 2020 Governor Newsom of the State of California issued Executive Order N-25-20, superseded by Executive Order N-29-20 on March 18, 2020, in a further effort to confront and contain COVID-19 that among other things suspended certain provision of the Ralph M. Brown Act providing local agencies with greater flexibility to hold meetings via teleconferencing; and,

WHEREAS, on March 13, 2020, the Centers for Disease Control and Prevention (“CDC”) had confirmed 2,726, cases of COVID-19 in the United States, with 55 cases resulting in death, within the United States, including California; and,

WHEREAS, on March 13, 2020, the President of the United declared a National Emergency due to the continue spread and the effects of COVID-19; and,

WHEREAS, the State of California and numerous Counties, School Districts and other local governmental agencies as well as private entities have announced the cancellation or postponement of all events where social distancing cannot be reasonably achieved; and,

WHEREAS, on March 13, 2020 Dr. Cameron Kaiser, Public Health Officer of the County of Riverside closed all Riverside County public Schools, regular classes, and school activities from March 16 through April 3, 2020; and,

WHEREAS, in response to the COVID-19 pandemic SunLine reasonably anticipates that SunLine will be required to utilize physical, personnel, and financial resources of SunLine and to take action to limit the spread of COVID-19 within the territorial jurisdiction of SunLine in order to provide for the safety of persons served by SunLine, and to provide continuity of essential services provided by SunLine; and,

WHEREAS, SunLine is actively providing support to those impacted by COVID-19 and cooperating with State, Federal and County in their response to the pandemic; and,

WHEREAS, SunLine reasonably anticipates both asking for mutual aid from, and providing mutual aid to, other communities who are addressing the spread and effects of COVID-19 which will require SunLine to utilize the physical, personnel, and financial resources of SunLine Transit Agency.

**NOW, THEREFORE, BE IT RESOLVED AND HEREBY ORDERED BY THE BOARD OF DIRECTORS OF SUNLINE TRANSIT AGENCY AS FOLLOWS:**

Section 1. That the above recitals are true and correct and based thereon, SunLine hereby finds that the spread of COVID-19 constitutes a situation that severely impairs the public health and safety within SunLine and constitutes conditions of extreme peril to the safety of persons and property of SunLine.

Section 2. That, as authorized in CGC Sections 8630 and 54956.5. and based on the foregoing finding, an “emergency” as defined in CGC Section 54956.5(a) and a “local emergency” as defined in CGC Section 8558(c) hereby exists within the territorial jurisdiction of SunLine and is deemed to continue to exist, and shall

be reviewed at least once every 60 days, until its termination is proclaimed by the Board of Directors.

Section 3. That SunLine will utilize, to the extent reasonably feasible and appropriate, the ability to conduct its Board of Director meetings, and all committee meetings via teleconferencing and other electronic means to permit Board Members and members of the public to adopt social distancing to the greatest extent possible while still proceeding with the efficient handling of SunLine's business in compliance with California Executive Order N-29-20.

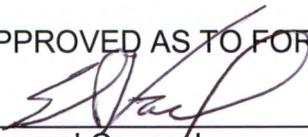
ADOPTED THIS 25<sup>th</sup> DAY OF March, 2020

ATTEST:

  
\_\_\_\_\_  
Brittney B. Sowell  
Clerk of the Board  
SunLine Transit Agency  
SunLine Services Group

  
\_\_\_\_\_  
Kathleen Kelly  
Chairperson of the Board  
SunLine Transit Agency  
SunLine Services Group

APPROVED AS TO FORM:

  
\_\_\_\_\_  
General Counsel  
Eric Vail

STATE OF CALIFORNIA     )  
                                          ) ss.  
COUNTY OF RIVERSIDE    )

I, BRITTNEY B. SOWELL, Clerk of the Board of Directors of the SunLine Transit Agency, do hereby certify that Resolution No. 0775 was adopted at a regular meeting of the Board of Directors held on the 25<sup>th</sup> day of March, 2020, by the following vote:

AYES: 10

NOES: 0

ABSENT: 0

ABSTAIN: 0

IN WITNESS WHEREOF, I have hereunto set my hand this 25<sup>th</sup> day of March, 2020.



Brittney B. Sowell  
Clerk of the Board  
SunLine Transit Agency  
SunLine Services Group

**SunLine Transit Agency**

**DATE:** May 26, 2021 **INFORMATION**

**TO:** Board Operations Committee

**FROM:** Tina Hamel, DBELO/EEO/Compliance/Eligibility Officer

**RE:** Disadvantaged Business Enterprise (DBE) Participation Goal

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**Background**

SunLine is required to establish and submit a DBE participation goal to the Federal Transit Administration (FTA) every three (3) years in order to maintain the Agency's eligibility to receive federal financial assistance from the United States Department of Transportation (U.S. DOT). The purpose of establishing a DBE participation goal is to promote increased participation in federally assisted contracts by small, socially, and economically disadvantaged business enterprises. It must be submitted to the FTA by August 1, 2021; 90 days prior to the start of Federal Fiscal Year (FFY) 2022.

The FTA's tips on DBE goal setting are being utilized to develop SunLine's DBE goal for FFY 2022–2024. Once our DBE participation goal is finalized, SunLine will issue notice of the proposed DBE Goal for FFY 2022–2024 on SunLine's website. This notice will inform the public of the proposed goal and rationale. SunLine will accept public comments on the goal analysis for 30 days.

Current projection for SunLine's FFY 2022–2024 DBE participation goal is 6%. The current DBE goal for FFY 2019–2021 is 6%.

This item will be brought back to the Board Operations Committee and the Board of Directors as an action item for approval at the June 23, 2021 meeting.

Attachment:

- [Item 9a](#) – DBE Overview Presentation



## **DBE Overview**

Tina Hamel

## **What is a DBE Program?**

- DOT DBE regulations require state and local transportation agencies establish goals for the participation of DBEs
- Providing outreach and education to the business community
- Certify the eligibility of DBE firms to participate in DOT assisted projects

# Who Must Have a DBE Program?

Any recipient who receives funds from the following:

- Federal Transit Administration (FTA) – excess of \$250,000
- Federal Aviation Administration (FAA) – excess of \$250,000
- Federal Highway Administration (FHWA) – all primary recipients receiving these funds

Must submit a DBE conforming to 49 CFR § 26

# Purpose of the DBE Program

- To ensure non-discrimination in the award and administration of federally funded contracts
- To create a level playing field on which DBEs can compete fairly for federally funded contracts
- To ensure that only firms that fully meet the eligibility standards are permitted to participate as DBEs
- To assist in the development of firms that can compete successfully in the marketplace outside the DBE Program

## Overall Goal Setting

- Demonstrable evidence of the availability of ready, willing and able DBEs and non-DBEs
- Overall goal is to be submitted every three (3) years
  - Overall goal and provisions apply to each year during that three year period
- Our goal for FFY 2019–2021 is 6%
- SunLine’s projected DBE goal for FFY 2022–2024 is 6%

## Reporting DBE Participation

- Must be submitted semiannually
  - June 1: data covers October 1-March 31
  - December 1: data covers April 1-September 30
- Must submit information on the approved form
  - Uniform Report of DBE Commitments/Awards and Payments

**QUESTIONS?**

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**THANK  
YOU**

